

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 08/977,052

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43. The process claimed in claim ~~24~~³, wherein a porosity of said porous layers in each of
said electrodes is in a range 35% to 40%.--

REMARKS

Claims 1-43 are all the claims pending in the application. Claims 1-21 are withdrawn from consideration. Claims 26 and 28 are allowed. Claims 22-25, 27 and 29 are objected to. By this Amendment, Applicants are canceling claims 1-21, amending claims 23-25 and 27, and adding Claims 30-43.

Claims 23-25 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended to assure that they are definite.

Claim 29 is rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

The recitations of Claim 29 are directed to the porosity of the adhesive, which appears after drying of the adhesive, and this characteristic is mentioned in initial Claim 19. The porosity of the adhesive after drying is mentioned at page 6, lines 34-36, of the present specification. Accordingly, Claim 29 is supported and the rejection of Claim 29 under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Claims 22-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Dasgupta et

al. (5,437,692). Since claims 25, 27 and 29 have not received any prior art rejections, these

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claims are presumably allowable since they have been rewritten to overcome the rejections under §112.

Claim 22 is directed to a process for producing an organic electrolyte cell, including the steps of forming a first electrode, forming a second electrode and assembling the first and second electrode by applying an adhesive coating onto the free face of a porous layer of one of the electrodes and bringing the free faces in mating contact with one another to form an electrochemical couple.

The Examiner asserts that Dasgupta teaches each and every feature of this claim.

According to our understanding, this rejection is unsupported because Dasgupta teaches that a separator is disposed between the first and second electrodes; whereas the claimed invention involves a process wherein the two electrodes are in mating contact with each other, i.e., no separator is present between the two electrodes.

Dasgupta discloses a first electrode comprised of layers 12 and 14, wherein layer 12 is an untreated carbon-embedding electron permeable polymer laminate and 14 represents the lithium compound containing agglomerated fine carbon layer. A second electrode is comprised by layers 13 and 15, wherein 13 is an untreated carbon-embedding electrode permeable polymer laminate and layer 15 is a manganese dioxide agglomerated layer with a lithium compound containing organic binder. Layers 18', 18" represent the adhesive coatings, and 16 represents a lithium ion-conductive solid polymer laminate electrolyte (see Fig. 1).

Based on the foregoing, Dasgupta fails to teach or suggest applying an adhesive coating onto the free face of a porous layer of one of the electrodes and bringing the free faces of porous

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layers of the electrodes in mating contact. Instead, Dasgupta discloses providing either a solid polymer electrolyte or a microporous polymer laminate separator between the positive and negative electrodes, which is completely contrary to the present invention which allows the electrodes to be in mating contact.

The Examiner does not provide detailed comments for the prior art rejection, but does highlight the Abstract, col. 5-6, col. 8-9, and Example 2. However, none of these portions of the Dasgupta reference support the Examiner's rejection. Specifically, every embodiment in Dasgupta includes a separator (16 or 22) disposed between the two electrodes. Thus, this reference fails to teach having the free faces of the porous layers of two electrodes in mating contact with each other.

In view of the foregoing, claim 22 is patentable. Moreover, claim 24 should be patentable for at least the same reasons as claim 22.

Claim 22 recites the same novel steps of applying an adhesive to the free face of the porous layer of one of the electrodes, so as to place the two electrodes in mating contact with one another. As discussed above, Dasgupta fails to teach or suggest this method for forming an electrolyte electric cell because this reference fails to teach that the two electrodes should be in mating contact.

The remaining rejected claim 23 depends from claim 22, and thus, this claim should be patentable for at least the same reasons as claim 22.

New claims 30-38, and 40-44, depend from claim 24, they are patentable for the reasons cited above with respect to claims 22 and 24.

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New claim 39 depends from allowable claim 26, and thus, is also patentable by virtue of its dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

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